THE HON'BLE SRI JUSTICE C.V. RAMULU

Friday, 2nd day of February,2007

W.P.No.13517 of 1996

Between:-

R.E.J. Sandhya Kumar ... Petitioner

and

Chief Engineer, Tribal Welfare, A.P., Hyderabad and others ... Respondents

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.13517 of 1996

ORAL ORDER:

This Writ Petition is filed seeking a Mandamus declaring the action of the 3rd respondent in passing the Proceedings No.E2/1574/APSC/96, dated 18-6-1996 and the consequential Orders of the 2nd respondent in Proceedings No.E2/6/86, dated 2-7-1996 as highly arbitrary and illegal.

It appears, the petitioner is an Engineering Graduate and was appointed as Junior Engineer in Public Health Department in the year 1980 and posted at Visakhapatnam. He served in the Department in various capacities. In the year 1991, he was promoted as Deputy Executive Engineer. However, in 1993, he was deputed to work as Deputy Executive Engineer in the District Scheduled Castes Service Cooperative Society Limited, East Godavari District. He worked at Razole for some time and in the year 1994, he was transferred to Eluru, West Godavari District and since then he has been working at Eluru. While the matter stood thus, the 3rd respondent issued Proceedings dated 18-6-1996 repatriating the petitioner to his parent Department with immediate effect and the 4th respondent was directed to relieve him immediately making alternative arrangements in his place. In pursuance of the said Proceedings, the 2nd respondent issued Proceedings dated 2-7-1996 placing the 4th respondent in Full Additional Charge of the post of Deputy Executive Engineer and relive

the petitioner immediately and the petitioner was directed to handover charge to the 4th respondent and get himself relieved. According to the petitioner, the impugned Order of transfer was passed on the basis of a report purported to have been submitted by the 4th respondent and the repatriation is made only on the allegations made against him and as a measure of punishment; therefore, the same is arbitrary and illegal.

The Writ Petition was admitted on 15-7-1996 and on 16-7-1996 this Court passed an interim order directing the parties to maintain status quo as on that day i.e. 16-7-1996.

There is no necessity of going into all the details. A detailed counter affidavit has been filed on behalf of the respondents denying the allegations made by the petitioner. It is asserted that this Court passed the interim order of status quo with regard to repatriation of the petitioner to his parent Department on 16-7-1996, whereas the petitioner was already repatriated under the impugned Proceedings and consequently relieved from the respondent-Society on the forenoon of 3-7-1996. Thus, the petitioner is not working with the respondent-Corporation to which he was deputed to work as Deputy Executive Engineer. It is now more than 10 years since the Writ Petition is pending and the petitioner was relieved from the respondent-Society on 3-7-1996 itself before the interim order of status quo could be passed by this Court.

In view of the above, the cause in the Writ Petition does not survive for adjudication as of now and the Writ

Petition has become infructuous. Accordingly, the Writ Petition is dismissed. No order as to costs.

02-02-2007

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